

**REMARKS**

Claims 1-11 and 31 were pending at the time of the last Office Action. Applicant has amended claims 1 and 11 and neither cancelled any claims nor presented any new claims. Thus, claims 1-11 and 31 are still pending.

Applicant would like to thank the Examiner for her consideration during the telephone interview of February 12, 2009. During that interview, applicant's representative proposed amendments to claim 1 to address the Examiner concerns. Applicant has revised the proposed amendments to claim 1 to recite "performed by the computer." Applicant's specification describes that because of the computation complexity of certain algorithms, they can consume significant resources of a computer. (Specification, pp. 2-3.) It is clear from the specification that applicant's technology is intended to be implemented on such a computer, which is certainly an "apparatus" as recited in applicant's title. Applicant also notes that applicant's specification incorporates U.S. Patent Application No. 09/412,560 by references. That application includes an extensive discussion of such a computer. If the Examiner thinks it would be helpful, applicant would be willing--although applicant does not believe it is necessary--to explicitly incorporate that language into this application.

The Examiner has rejected claims 1-11 and 31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees. Before being amended, each of the independent claims recited "wherein the solving is performed by a computer." As such, applicant respectfully submits that these process claims were tied to a computer. Nevertheless, applicant has amended the independent claims to recite that several steps are explicitly performed "by the computer."

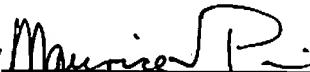
Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any

questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268557US1 from which the undersigned is authorized to draw.

Dated: April 2, 2009

Respectfully submitted,

By   
Maurice J. Pirio

Registration No.: 33,273  
PERKINS COIE LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 359-8548  
(206) 359-9000 (Fax)  
Attorney for Applicant